

September 26, 2014

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**VIA ELECTRONIC MAIL AND ECF**

Honorable Paul A. Engelmayer  
United States District Court Judge  
Southern District of New York  
40 Foley Square, Room 2201  
New York, New York 10007

Re: ***Kelley, et al. v. The Universal Music Group, et al.*, 14 Civ. 2968 (PAE), Request for Confirmation of Date to Respond to Amended Complaint.**

Dear Judge Engelmayer,

We were recently retained to represent Defendant UMG Recordings, Inc. (“UMG”)<sup>1</sup> in this action and filed a Notice of Appearance today. UMG had agreed to waive service of the original complaint and mailed the completed Acknowledgment of Receipt of Service by Mail to the U.S. Marshal Service on July 28, 2014. (See ECF 8 at 2, 4.) Accordingly, the deadline to respond to the original Complaint is Monday, September 29, 2014—60 days from the date the acknowledgement was sent. (See ECF 8 at 4.)

We were finalizing our Motion to Dismiss on Wednesday when we noticed that the Complaint has been superseded by an Amended Complaint (ECF 10). However, UMG was never served with the Amended Complaint. As we had not yet appeared in this case, we also have not been served with the Amended Complaint. Plaintiffs did not attach any proof of service affirming that they sent copies to all other parties or their counsel as required by Rule 2 of Your Honor’s Individual Rules and Practices in Civil Pro Se Cases.

Under Federal Rule of Civil Procedure 15(a)(3), UMG’s response to an amended pleading must be made by the date the response to the original Complaint was due or within 14 days after service of an amended pleading, whichever is later. As we have not been served, there is not yet a date by which UMG must respond to the Amended Complaint. In the interest of efficiency and understanding that the Plaintiffs are proceeding pro se, UMG is prepared to waive

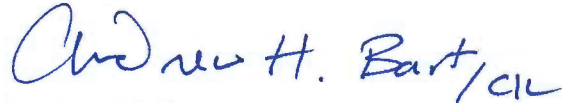
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<sup>1</sup> Plaintiff incorrectly refers to “Island Def Jam Records,” “Island Def Jam Music Group,” and “Universal Music Group” throughout his pleadings. The Island Def Jam Music Group is an unincorporated division of UMG. Accordingly, UMG is the only proper party in this case.

service of the Amended Complaint and respond thereto, by answer or motion, by October 17, 2014.

Accordingly, we respectfully request that Your Honor "So Order" this letter confirming that UMG may answer or move with respect to the Amended Complaint until October 17, 2014.

Sincerely,

A handwritten signature in blue ink that reads "Andrew H. Bart" followed by a stylized "cl" or "cl" mark.

Andrew H. Bart

cc: Herman Kelley (By U.S. Priority Mail Express)  
Bessie Banks (By U.S. Priority Mail Express)